

# STATE OF DELAWARE



## **DELAWARE HEALTH AND SOCIAL SERVICES**

**DIVISION OF MANAGEMENT SERVICES**

**"DMS Serving Those Who Serve Delaware"**

**SPECIFICATIONS AND CONTRACT DOCUMENTS NO.# HSS-09-007**

**FOR**

**PERSONAL CARE PRODUCTS**

**Required for Use By**

**VARIOUS DELAWARE STATE AGENCIES**

**OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010**

**Deposit  
Performance Bond  
Date Due**

**Waived  
Waived  
August 5, 2009  
11:00 AM Local Time**

**DELAWARE HEALTH AND SOCIAL SERVICES  
DIVISION OF MANAGEMENT SERVICES  
PROCUREMENT BRANCH- MAIN BLDG., ROOM 260  
HERMAN M. HOLLOWAY SR. HEALTH AND SOCIAL SERVICES CAMPUS  
1901 N. DUPONT HIGHWAY  
NEW CASTLE, DELAWARE 19720**

## **INVITATION TO BID #HSS-09-007**

Sealed bids for **PERSONAL CARE PRODUCTS** for Various Delaware State Agencies must be received by the Delaware Health & Social Services, Procurement Branch, Main Administration Building, Second Floor, Room #260, 1901 North DuPont Highway, (Sullivan Street ), Herman M. Holloway Sr., Health & Social Service Campus, New Castle, Delaware 19720, until **11:00 AM LOCAL TIME ON AUGUST 5, 2009**, at which time they will be opened, read and recorded.

Specifications may be obtained at the above office. Phone: (302) 255-9295.

**PLEASE NOTE:** The following paragraphs hereby become part of the General Terms and Conditions of this bid.

**1, 2, 3, 4, 5, 6, 7, 8, 10, 13, 15, 16 and 27 PLEASE ALSO SEE**

**SPECIAL TERMS AND CONDITIONS AND THE SPECIAL NOTE**

**REGARDING SAMPLES.**

Please review the General Rules and Conditions and the General Requirements for Non-Food, which appear on the DHSS website. **The following forms must be included with your bid: 1) the Bidder Signature Form, 2) the Vendor Certification Form and 3) the Office of Minority and Women Business Enterprise Forms.** All of these documents can be accessed on the DHSS website:

**<http://dhss.delaware.gov/dhss/rfp/dhssrfp.htm>**

**NOTE TO VENDORS:** Your bid **must be signed** and all information on the signature page completed.

If you do not intend to submit a bid, please send an e-mail to the buyer for this bid, stating that you do not intend to bid on this contract and would like to remain on the mailing list.

**IMPORTANT:**      **ALL BIDS MUST HAVE ON THE OUTSIDE ENVELOPE OUR (4) FOUR DIGIT CONTRACT NUMBER. IF THIS NUMBER IS OMITTED YOUR BID WILL IMMEDIATELY BE REJECTED.**

**ALL BIDS MUST BE DELIVERED TO THE ADDRESS ON THE BID ENVELOPE. UNDER NO CIRCUMSTANCES WILL A BID BE ACCEPTED THAT IS :**

**---LATE  
---DELIVERED TO THE WRONG BUILDING  
---SIGNED FOR BY A PERSON OTHER THAN A MEMBER  
OF THE PROCUREMENT STAFF.**

**DELIVERY INSTRUCTIONS:**

**TO INSURE THAT YOUR BID IS IN THE PROCUREMENT OFFICE ON THE DATE AND THE TIME SPECIFIED, THERE ARE THREE (3) RECOMMENDED METHODS OF DELIVERING BID PROPOSALS LISTED BELOW:**

- 1.      HAND DELIVER**
- 2.      FEDERAL EXPRESS**
- 3.      UPS**

**FOR FURTHER BIDDING INFORMATION PLEASE CONTACT:**

**BUYER:            ANNETTE OPALCZYNSKI  
                     DELAWARE HEALTH & SOCIAL SERVICES  
                     PROCUREMENT BRANCH  
                     MAIN ADMIN. BLDG., ROOM 260  
                     1901 NORTH DUPONT HIGHWAY  
                     HERMAN M. HOLLOWAY SR.,  
                     HEALTH & SOCIAL SERVICES CAMPUS  
                     NEW CASTLE, DELAWARE 19720**

**PHONE:           (302) 255-9295**

## **SPECIAL TERMS & CONDITIONS**

- 1) Prices are to be held from **OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010.** Basis for awarding purchase orders against this quotation include but are not limited to low bid, vendor performance record, lead time, trade and cash discounts and shipping costs. Determining factors to be those in the best interest of the Department of Health & Social Services, State of Delaware.  
  
In case of any doubt or difference of opinion as to the items to be furnished hereunder, the decision of the Chief of Procurement of the Department of Health & Social Services shall be final and binding upon both parties.
- 2) **VENDORS MUST SUBMIT A CURRENT COPY OF THEIR DELAWARE BUSINESS LICENSE WITH THEIR BID. TO APPLY FOR A LICENSE, CALL 302-744-1085.**
- 3) Escalator clauses will not be accepted.
- 4) **Minimum case requirements will not be accepted. The State of Delaware will only honor minimum order requirements of \$50.00.**
- 5) Option to extend contract for an additional (1) one year period if agreed upon by all parties.
- 6) **Deliveries must be F.O.B. destination to all state agencies.**
- 7) Purchase orders will be issued as needed by various agencies.
- 8) Upon delivery, product shall be inspected by an authorized representative of Delaware Health & Social Services, and if found defective or if it fails in any way to meet specifications as indicated in the bid quotation section, it may be rejected. The decision(s) of the Chief of Procurement of the Department of Health & Social Services shall be final. All rejected material will be replaced by the supplier within seven (7) days.
- 9) **Only one price per item will be accepted. Multi bracket pricing will be disallowed.**

- 10) Packaging must be adhered to. All items must be stated as "each, "box" or other specified quantity. Any vendor who fails to identify quantity, package size, catalogue # or unit size will be disqualified.
- 11) **Samples of finger nail clippers, toe nail clippers, plier type toe nail clippers and any other product bid other than specified must have samples submitted prior to the bid opening date. Failure to comply will disqualify your bid. Any samples submitted may be returned to the vendor upon their request and expense.**
- 12) Contract can be utilized by any state facility or agency in the State of Delaware. This may increase quantities beyond the projected manner.
- 13) Please note, all samples may be returned by written request, at the expense of the vendor. This request is to be made at the time of the bid opening. Items are to be picked up thirty (30) days after the bid has been completed.
- 14) **Failure of a vendor to deliver within the time specified or within reasonable time as interpreted by the agency, shall permit the agency to purchase in the open market, products of comparable grade to take the place of those products that were not delivered. On all such purchases, the vendors shall reimburse the agency for an expense incurred in excess of contract prices.**
- 15) **If the awarded vendor cannot supply an item, he must get approval to submit an approved equal at the same price, from Delaware Health and Social Services, Procurement Office. This must be done prior to delivery. If the vendor fails to supply an item, Delaware Health & Social Services has the right to authorize the ordering agency to order an equivalent product on the open market and to charge the vendor the price difference. Items that are discontinued by the manufacturer are also subject to this policy.**

- 16) **When an error is made in extending total prices, the unit bid price will govern. Carelessness in quoting prices or in preparation of the bid will not relieve the bidder. Erasures in bids must be explained over signature of bidder. All prices must be rounded off to two decimal places. Three decimal places will not be accepted. Example: 10.624 should be rounded off to 10.62. Failure to do so will mean disqualification of said item.**
- 17) The successful vendor is required to "Bill as Shipped" to the respective ordering agency (s). Ordering agencies shall provide at a minimum the contract number, ship to and bill to address, contract name and phone number.
- 18) The agencies will authorize and process for payment each invoice within thirty (30) days after the date of receipt. **The vendor must accept full payment by credit card or conventional check and/or other electronic means at the State's option, without imposing any additional fees or restrictions.**
- 19) All items delivered during the life of the contract shall be of the same type and manufacture as specified in the bid, unless specific approval is given by DHSS-Procurement to do otherwise. Substitutions require the submission of written specifications and product evaluation prior to any approvals being granted.
- 20). Vendors are required to have either a local telephone number with the area code, or a toll free number to accept calls. Each agency is responsible for placing their orders and this may be accomplished by purchase order, telephone, fax or computer online systems.
- 21) Force Majeure: Neither the contractor (vendor) nor the ordering agency shall be held liable for non-performance under the terms and conditions of this contract due, but not limited to government restriction, strike, flood, fire or unforeseen catastrophe beyond either party's control. Each party shall notify the other in writing of any situation that may prevent performance under the terms and conditions of this contract.

- 22) Hold Harmless: The contractor (vendor) agrees that it shall indemnify and hold the State of Delaware and all its agencies harmless from and against all claims for injury, loss of life, or damage to or loss of use of property cause or alleged to be caused by acts of omissions of the contractor, its employees and invitees on or about the premises and which arise out of the contractor's performance or failure to perform as specified in the agreement.
- 23) Vendor Emergency Response Point of Contact: The vendor shall provide the names and telephone numbers of those individuals who can be contacted twenty-four hours a day, seven (7) days a week if there is a critical need for commodities or when the Governor of the State of Delaware declares a State of Emergency. Failure to provide this information could render the bid non-responsive.
- 24) **INMATE PERSONAL CARE ITEMS MUST NOT CONTAIN ANIMAL PRODUCTS.**

**All samples must be provided free of charge and mailed prior to the bid opening date. Please label all samples by referencing the item number on the bid.**

**Vendors who bid items in the Inmate Personal Care Section should mail their samples to:**

The Department of Corrections  
Att: Mr. Paul Giery  
Purchasing Office  
245 McKee Road  
Dover, DE 19904  
302-739-5601

**ALL OTHER SAMPLES SHOULD BE MAILED TO:**

Delaware Health & Social Services  
Herman Holloway Campus  
Att: Annette Opalczynski  
Main Admin. Bldg, 2nd Floor --Room 260  
1901 N. Dupont Hwy.  
New Castle, DE 19720  
302-255-9295